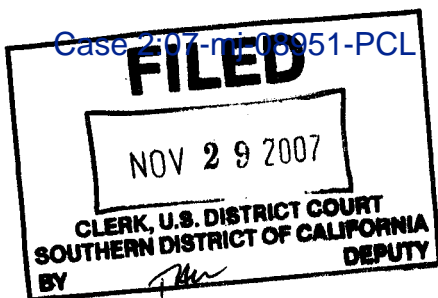


NSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis Enrique GARZA

Defendant.

) Mag. Case No. **'07 MJ 8951**

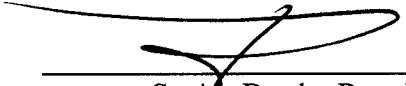
) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1324(a)(1)(A)(ii)
) Illegal Transportation of Aliens

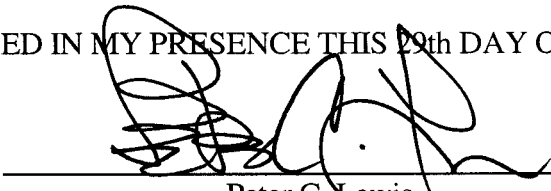
The undersigned complainant, being duly sworn, states:

On or about November 27, 2007, within the Southern District of California, defendant Luis Enrique GARZA, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Leonor Brigitte REYES-Bautista, Angeles Florinda PINOS-Gonzalez, and Jose Jesus LARA-Renteria had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.


Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 29th DAY OF
NOVEMBER 2007.


Peter C. Lewis
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Luis Enrique GARZA

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon statements in the investigative
6 reports by the apprehending U. S. Border Patrol Agent S. Carter that on November 27, 2007, the
7 defendant Luis Enrique GARZA, a United States Citizen, was apprehended near Calexico,
8 California, as the driver of a 1992 burgundy Ford Crown Victoria, bearing California license
9 2ZLE798, as he smuggled four (4) undocumented aliens from Mexico, in violation of law.

10 On November 27, 2007, at approximately 5:10 P.M. Agent S. Sedano was operating the
11 Calexico Border Patrol's Remote Video Surveillance System as he observed four individuals
12 illegally enter the United States by climbing over the International Boundary Fence from Mexico
13 approximately three miles east of the Calexico West Port of Entry. Agent Sedano observed the
14 illegal entrants crawl to and attempt to hide on the side of Anza Road, which is the first road
15 north of the border. Agent Sedano reported his observations to agents in the area. Agent Vega-
16 Torres was in the area and observed a burgundy Ford Crown Victoria stop on the side of the road
17 near the illegal entrants. Agent Vega-Torres observed the illegal entrants board the Ford and the
18 driver, later identified as Luis Enrique GARZA, drove eastbound from the area.

19 A records check of the Ford revealed the California registration was expired and there is a
20 release of liability on the vehicle. Agent Vega-Torres maintained constant visual on the Ford as
21 it drove northbound on Barbara Worth Road. A controlled tire deflation device was successfully
22 deployed on the Ford. Agent Vega-Torres used the emergency lights and siren in an attempt to
23 stop the Ford. GARZA failed to yield. GARZA finally stopped at the intersection of Highway 98
24 and Barbara Worth Road after the front two tires on the Ford were completely flat.

25 Agent Vega-Torres approached the Ford and observed GARZA still sitting in the driver's
26 seat. Agent Vega-Torres identified himself and questioned the occupants of the Ford. It was
27 determined GARZA is a United States Citizen and the other four occupants are citizens of
28 Mexico illegally in the United States. GARZA and the others were arrested and transported to the
29 Calexico Border Patrol Station.

1 GARZA was advised of his rights as per Miranda. GARZA stated he understood his
2 rights and was willing to answer questions without the presence an attorney. GARZA stated he
3 has been living in Mexicali, Mexico, for the past four months. GARZA stated he was offered a
4 job for \$400.00 by a smuggler in Mexicali to smuggle illegal aliens. GARZA stated he obtained
5 the Ford and a phone from the smuggler after crossing into the United States. GARZA stated he
6 saw the illegal entrants on the side of the road and stopped to pick them up. GARZA stated
7 someone popped his tires then he saw lights and heard a siren behind him. GARZA stated he did
8 not stop right away and he was still behind the steering wheel when he was arrested.

9 Material Witness Leonor Brigitte REYES-Bautista stated she is a native and citizen of
10 Mexico illegally in the United States. REYES stated she made arrangements with an unknown
11 smuggler in Mexicali, Mexico to be smuggled illegally into the United States. REYES states she
12 was picked up and taken to an area where she met with the three other individuals that climbed
13 over the International Boundary Fence into the United States with her. REYES states they
14 crawled to the road and waited for the vehicle to pick them up. REYES stated the smuggler on
15 the south side (in Mexico) yelled to them when it was the next car coming. REYES stated after
16 boarding the Ford, the male driver, GARZA, continued to drive until someone popped the tires
17 on the Ford and she heard a siren behind them. REYES stated GARZA continued to drive until
18 he finally stopped.

19 Material Witnesses Angeles Florinda PINOS-Gonzalez stated she is a native and citizen
20 of Mexico illegally in the United States. PINOS stated she made arrangements with an unknown
21 smuggler in Mexicali, Mexico to be smuggled illegally into the United States. PINOS states she
22 was picked up and taken to an area where she met with the three other individuals that climbed
23 over the International Boundary Fence into the United States with her. PINOS states they crawled
24 to the road and waited for the vehicle to pick them up. PINOS stated after boarding the Ford, the
25 male driver, GARZA, continued to drive until someone popped the tires on the Ford and she
26 heard a siren behind them. REYES stated GARZA continued to drive until he finally stopped.

27 Material Witness Jose Jesus LARA-Renteria stated he is a native and citizen of Mexico
28 illegally in the United States. LARA stated he made arrangements with an unknown smuggler in
29 Mexicali, Mexico, to be smuggled illegally into the United States. LARA stated he was picked

up and taken to an area where he met with the three other individuals that climbed over the International Boundary Fence into the United States with her. LARA stated they crawled to the road and waited for the vehicle to pick them up. LARA stated after boarding the Ford, the male driver, GARZA, continued to drive until someone popped the tires on the Ford and he heard a siren behind them. LARA stated GARZA continued to drive until he finally stopped.

REYES and LARA were able to positively identify photo number 1, GARZA, from a six pack photo line-up as the driver of the Ford.

REYES, PINOS and LARA stated they were to paid \$1,500.00 to \$2,500.00 to be smuggled illegally into the United States.

The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Leonor Brigitte REYES-Bautista	Mexico
Angeles Florinda PINOS-Gonzalez	Mexico
Jose Jesus LARA-Renteria	Mexico

Further, complainant states that Leonor Brigitte REYES-Bautista, Angeles Florinda PINOS-Gonzalez, and Jose Jesus LARA-Renteria are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.